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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/764,665	01/26/2004	Kaoru Taneichi	F-8120	8787
28107	7590	01/10/2006	EXAMINER	
JORDAN AND HAMBURG LLP 122 EAST 42ND STREET SUITE 4000 NEW YORK, NY 10168				SAETHER, FLEMMING
		ART UNIT		PAPER NUMBER
		3677		

DATE MAILED: 01/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/764,665	TANEICHI, KAORU	
	<b>Examiner</b>	<b>Art Unit</b>	
	Flemming Saether	3677	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 27 October 2005.  
 2a) This action is **FINAL**.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 2-6,8,9,11,13,14 and 16-27 is/are pending in the application.  
 4a) Of the above claim(s) 4,9 and 14 is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 2,3,5,6,8,11,13 and 16-27 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
     Paper No(s)/Mail Date \_\_\_\_\_

4) Interview Summary (PTO-413)  
     Paper No(s)/Mail Date. \_\_\_\_\_.  
 5) Notice of Informal Patent Application (PTO-152)  
 6) Other: \_\_\_\_\_.

***Election Restriction***

Claims 4, 9 and 14 remain withdrawn. A complete reply to the final rejection must include cancellation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 5, 8, 13 and 24-27 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Each of claim 5, 8 and 13 are indefinite because contrary to the claims, the fitting pieces are not configured for outward deformation instead, they are the result of an outward deformation. Also, the article of the claims must be defined in a steady state so the fitting pieces cannot be claimed in both the deformed and pre-deformed state. Claims 24-27 are identical to claims 20-23. It is believed that claims 24-27 should have been dependent from claim 11 rather than claims 6. The claims were examined as best understood.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

Art Unit: 3677

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 11,13 and 24-27 are rejected under 35 U.S.C. 102(b) as being anticipated by Nalle (US 3,104,493). Nalle discloses a fastener (13) in combination with an attachment member (14) having a receiving hole (18); the nut includes an attachment part (21) being freely received in the receiving hole and a plurality of fitting pieces (22), which are capable of outward deformation, for retaining the attachment part within the hole and the nut to the attachment member. The attachment part has a smaller outside diameter than an inside diameter of the receiving hole (the sentence bridging columns 2 and 3) and a portion of the nut body adjacent the attachment part abuts the attachment member (at member 16). The fitting pieces are formed as four circumferentially spaced arcuate members having an arc of approximately 90° and separated by a distance less than the length of the arc.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2, 3, 5, 6, 8 and 16-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nalle in view of Weddendorf (US 5,340,252). Nalle discloses a fastener in combination with an attachment member including features as described

above but, does not disclose the nut as a quick connect nut. Weddendorf discloses a quick connect nut comprising a hexagonal exterior, an inner conical portion (26) including guideposts (57) receiving a plurality of nut segments (41), a stop flange (36) having an aperture and, a spring biasing the nut segments. At the time the invention was made, it would have been obvious for one of ordinary skill in the art to make the nut of Nalle a quick connect nut as disclosed in Weddendorf in order to quicken the adjustment of the nut onto the post in Nalle. The skilled artisan would find the quicker adjustment advantageous since it would speed the assembly and adjustment of the support element to the proper position by allowing for the nut to be simply pushed into the desired position thus saving time over the nut having to be rotated.

Claims 2, 3, 5, 6 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Meredith (US 5,655,936) in view of Weddendorf (US 5,340,252) and further in view of Mehlberg (US 5,842,894). Meredith discloses a fastener (16) in combination with an attachment member (18) having a receiving hole (28); the nut includes an attachment part (24) being freely received in the receiving hole and a fitting part (30) which is deformed outward (Figs. 3-5) for retaining the attachment part within the hole and the nut to the attachment member. The attachment part has a smaller outside diameter than an inside diameter of the receiving hole (column 2, lines 39-42) and a portion of the nut body adjacent the attachment part abuts the attachment member (see Figs. 5 and 6). Meredith does not disclose the nut as a quick connect nut. Weddendorf discloses a quick connect nut comprising a hexagonal exterior, an inner

conical portion (26) including guideposts (57) receiving a plurality of nut segments (41), a stop flange (36) having an aperture and, a spring biasing the nut segments. At the time the invention was made, it would have been obvious for one of ordinary skill in the art to make the nut of Meredith a quick connect nut as disclosed in Weddendorf in order to quicken the attachment of the nut onto the terminal post in Weddendorf. The skilled artisan would find the quicker advantageous since it would speed the assembly of the battery cable to the battery terminal by allowing for the cable connector to be simply pushed onto the terminal. Meredith, even as modified by Weddendorf, does not disclose the plurality of fitting pieces. Mehlberg discloses a fastener (1) in combination with an attachment member (8) which are secured together and teaches the equivalence of the securement being provided as a single fitting piece or a plurality of fitting pieces (column 3, line 30-31). At the time the invention was made, it would have been obvious for one of ordinary skill in the art to replace the single fitting piece of Meredith with a plurality of fitting pieces in view of the Mehlberg's teaching that a single and plural fitting pieces are recognized equivalents.

Claims 11 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Meredith in view of Mehlberg. Meredith discloses a fastener (16) in combination with an attachment member (18) having a receiving hole (28); the nut includes an attachment part (24) being freely received in the receiving hole and a fitting part (30) which is deformed outward (Figs. 3-5) for retaining the attachment part within the hole and the nut to the attachment member. The attachment part has a smaller outside

diameter than an inside diameter of the receiving hole (column 2, lines 39-42) and a portion of the nut body adjacent the attachment part abuts the attachment member (see Figs. 5 and 6). Meredith does not disclose the plurality of fitting pieces. Mehlberg discloses a fastener (1) in combination with an attachment member (8) which are secured together and teaches the equivalence of the securement being provided as a single fitting piece or a plurality of fitting pieces (column 3, line 30-31). At the time the invention was made, it would have been obvious for one of ordinary skill in the art to replace the single fitting piece of Meredith with a plurality of fitting pieces in view of the Mehlberg's teaching that a single and plural fitting pieces are recognized equivalents.

***Response to Remarks***

Applicant's remarks have been considered but, are moot in view of the new grounds of rejection as necessitated by the amendments.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

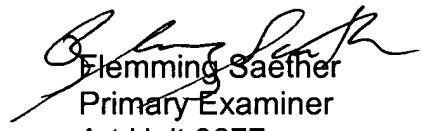
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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Flemming Saether whose telephone number is 571-272-7071. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Swann can be reached on 571-272-7075. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Flemming Saether  
Primary Examiner  
Art Unit 3677